

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

GREGORY HARPER,	)	
	)	
v.	)	No. 4:15-cv-51-HSM-CHS
	)	
TENNESSEE METAL FABRICATING	)	
CORPORATION.	)	

REPORT and RECOMMENDATION

Pursuant to an Order entered by Chief Judge Thomas A. Varlan, Plaintiff Gregory Harper's counsel of record, Attorney Andy L. Allman, is suspended from practicing law in the United States District Court for the Eastern District of Tennessee. After Judge Varlan suspended Attorney Allman, the undersigned Magistrate Judge entered an order on November 18, 2016, giving Plaintiff Gregory Harper until January 6, 2017, to inform the Court whether he intended to represent himself in this action or have an attorney enter an appearance on Plaintiff's behalf [Order, Doc. 32]. In this same order, I advised Plaintiff that "[i]f Plaintiff does not take either of these steps on or before January 6, 2017, the undersigned will recommend to the District Court Judge that his lawsuit be DISMISSED in its entirety under Fed. R. Civ. P. 41 for failure to prosecute." I directed the Clerk of the Court to serve the Plaintiff at his last known address.

Plaintiff has not complied with the Court's order. Therefore, it is RECOMMENDED to District Judge Harry S. Mattice that this action be DISMISSED in its entirety for failure to prosecute. *See Carpenter v. City of Flint*, 723 F.3d 700, 704 (6th Cir. 2013) ("It is well settled that a district court has the authority to dismiss *sua sponte* a lawsuit for failure to prosecute")

(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962); *Carter v. City of Memphis*, 636 F.2d 159, 161 (6th Cir.1980)).<sup>1</sup>

The Clerk of Court shall serve Plaintiff at the following address:

219 Track Road  
Rock Island, TN 38581

ENTER.

s/ Christopher H. Steger  
CHRISTOPHER H. STEGER  
UNITED STATES MAGISTRATE

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<sup>1</sup> Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified constitutes a waiver of the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S. Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6<sup>th</sup> Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6<sup>th</sup> Cir. 1987).